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15 LONE STAR WIFI LLC

16 UNITED STATES DISTRICT COURT
17 SOUTHERN DISTRICT OF CALIFORNIA

18 LONE STAR WIFI LLC,

19 Plaintiff;

20 v.

21 MARRIOTT INTERNATIONAL, INC.,

22 Defendant.

Case No. **'14CV0821 BEN NLS**

PLAINTIFF LONE STAR WIFI'S
COMPLAINT FOR PATENT
INFRINGEMENT

Demand for Jury Trial

23 Plaintiff Lone Star WiFi LLC, by counsel, alleges as follows:

THE PARTIES

24 1. Plaintiff Lone Star WiFi LLC ("Lone Star WiFi" or "Plaintiff") is a
25 Texas limited liability company with a principal place of business at 100 E.
26 Ferguson, Suite 806, Tyler, TX 75702.

27 2. Marriott International, Inc. ("Marriott" or "Defendants") is a Delaware
28 corporation with its principal place of business at 10400 Fernwood Road, Bethesda,

1 Maryland 20817. Marriott can be served with process by serving its registered
2 agent: Corporate Creations Network Inc., 131-A Stoney Circle, Suite 500, Santa
3 Rosa, CA 95401. Upon information and belief, Marriott does business in the State
4 of California and in the Southern District of California.

5 **JURISDICTION AND VENUE**

6 3. This is a civil action for patent infringement arising under the United
7 States patent statutes, 35 U.S.C. § 1 *et seq.*

8 4. This Court has jurisdiction over the subject matter of this action under
9 28 U.S.C. §§ 1331 and 1338(a).

10 5. This Court has personal jurisdiction over Defendant by virtue of
11 Defendant's activities within this judicial district. Upon information and belief,
12 Defendant offers products and services within this judicial district, and specifically
13 targets its activities to residents of this judicial district. Defendant is subject to this
14 Court's specific and general personal jurisdiction pursuant to due process and/or the
15 California Long Arm Statute, due at least to its substantial, continuous, and
16 systematic business in this State and judicial district, including: (A) at least part of
17 its infringing activities alleged herein; and (B) regularly doing or soliciting
18 business, engaging in other persistent conduct, and/or deriving substantial revenue
19 from goods sold and services provided to California residents.

20 6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§
21 1391(b) - (d) and 1400(b). On information and belief, Defendant has committed
22 acts of infringement in this judicial district, and has purposely transacted business
23 involving its accused services in this judicial district.

24 **BACKGROUND FACTS & PATENTS-IN-SUIT**

25 **Wireless Access and the Patents-in-Suit.**

26 7. This suit involves United States Patent Nos. 7,490,348; 8,312,286; and
27 8,583,935 (collectively, the "Patents-in-Suit"). The Patents-in-Suit are generally
28 directed to particular implementations of wireless networks in which multiple,

1 overlapping wireless streams provide varying levels of access to content and
2 resources.

3 8. On March 17, 2003, inventor Scott C. Harris filed Provisional Patent
4 Application No. 60/454,694.

5 9. On the basis of that priority, Mr. Harris filed Patent Application No.
6 10/800,472 on March 15, 2004.

7 10. On February 10, 2009, the United States Patent and Trademark Office
8 granted Mr. Harris's application, duly and legally issuing United States Patent No.
9 7,490,348 (the "'348 Patent"), entitled "Wireless Network Having Multiple
10 Communication Allowances," to Harris Technology LLC. A copy of the '348
11 Patent is attached as Exhibit A.

12 11. On November 13, 2012, the United States Patent and Trademark
13 Office duly and legally issued United States Patent No. 8,312,286 (the "'286
14 Patent"), entitled "Wireless Network Having Multiple Communication
15 Allowances," to Harris Technology LLC. A copy of the '286 Patent is attached as
16 Exhibit B.

17 12. On November 12, 2013, the United States Patent and Trademark
18 Office duly and legally issued United States Patent No. 8,583,935 (the "'935
19 Patent"), entitled "Wireless Network Having Multiple Communication
20 Allowances," to Lone Star WiFi LLC. A copy of the '935 Patent is attached as
21 Exhibit C.

22 **Hotels Need to Provide Multiple Wireless Networks to Satisfy Their Guests**
23 **and Remain Competitive.**

24 13. Wireless Internet access has become one of the most critical amenities
25 – if not the most critical amenity – hotels offer to their guests.

26 14. Several national publications and news services run periodic surveys
27 regarding the hospitality industry.
28

1 15. Hotel chains, hotel owners, and hotel management companies such as
2 Defendant participate in and trust the results of such surveys to help inform their
3 business decision-making.

4 16. Indeed, hotels often cite positive findings from such surveys in their
5 own advertising and marketing materials as evidence to potential customers why
6 their brands and/or properties are superior.

7 17. Such surveys have found overwhelming growth in the need for, and
8 the provision of, wireless Internet access in hotel guest rooms.

9 18. For example, J.D. Power and Associates is a well-known global
10 marketing information services company that provides customer satisfaction
11 research and market research regarding a number of industries.

12 19. Each year for the past seventeen years, J.D. Power and Associates has
13 conducted and published a study of consumer satisfaction with various hotel chains.

14 20. For each of the last six years, the J.D. Power survey has found the
15 trend regarding wireless Internet access at hotels important enough to report on it as
16 part of the primary press release regarding the survey.

17 21. In its 2010 annual survey, J.D. Power found that wireless Internet
18 access led the “top five ‘must-have’ amenities for hotel guests.”

19 22. The 2010 survey reported that hotel properties had “increased
20 offerings of wireless Internet access during the past several years, with 77 percent
21 of guests in 2010 indicating they have used Wi-Fi rather than cable Internet
22 connections in their guest room, compared with 55 percent in 2007.”

23 23. Mark Schwartz, director of the global hospitality and travel practice at
24 J.D. Power, commented regarding the 2010 survey that, “guests are starting to
25 expect wireless Internet access in their hotel rooms,” because “[i]n today’s digitally
26 connected world, being able to use mobile devices or computers without
27 interruption is considered a comfort of home that should extend to the hotel
28 experience.”

1 24. In its 2011 annual survey, J.D. Power noted the disproportionately high
2 report rate for problems with hotel Internet service: “[N]oise is the problem most
3 commonly experienced by guests, with 16 percent indicating experiencing the
4 issue. However, only 43 percent of these guests indicate they reported the noise to
5 hotel staff. In contrast, just 13 percent of guests say they experienced a problem
6 with the Internet connection or speed at their hotel, but 60 percent reported the
7 problem.”

8 25. Indeed, guests cared so much about the wireless Internet access at
9 hotels in 2012, J.D. Power found they “use[d] social media to complain about how
10 slow Internet connections are at hotels,” and also “to praise hotel brands that are
11 known for fast, reliable Internet service.”

12 26. In its 2013 annual survey, J.D. Power noted that “[w]hile Internet
13 usage during a hotel stay continues to steadily increase, it remains the top problem
14 experienced by guests. Among guests who experienced a problem during their
15 hotel stay, 31 percent had an issue with their Internet service in terms of connection
16 and/or speed. Interestingly, overall satisfaction among guests who experienced
17 difficulties connecting to the Internet is 133 points lower than among those who did
18 not have problems, whether Internet access was included in the room rate or not.”

19 27. Another example of a national service reporting data regarding the
20 hotel industry is TripAdvisor. TripAdvisor claims to be the world’s largest travel
21 website, aggregating reviews and advice regarding airlines, hotels, restaurants, and
22 other travel features worldwide.

23 28. In a February 17, 2011 survey, TripAdvisor polled over 1,000 U.S.
24 accommodation owners – hoteliers, B&B owners and innkeepers – regarding their
25 plans to attract travelers in 2011 and increase repeat customers.

26 29. In the February 2011 survey, only four percent of the owners indicated
27 they had no plans to offer in-room Internet access, which TripAdvisor referred to as
28 “a key consumer demand.”

1 30. In January 2012, TripAdvisor conducted a “360 degree survey,” which
2 polled 1,248 U.S. travelers and 622 U.S. hotel managers and owners.

3 31. TripAdvisor’s 360 degree survey found that wireless Internet access
4 was the most important hotel amenity among eighty-five percent of travelers who
5 most often booked hotels.

6 32. Moreover, in that same 360 degree survey, TripAdvisor found that
7 ninety-nine percent of hotel owners and managers considered wireless Internet
8 access the most important amenity.

9 33. Even more recently, in July 2012 TripAdvisor released the results of
10 its biannual “Industry Index,” incorporating responses from 25,517 accommodation
11 owners and managers worldwide.

12 34. Eighty-one percent of hoteliers in North America reported being
13 profitable over the six month period prior to the Industry Index survey, conducted
14 during June 2012, while thirty percent of U.S. accommodation owners reported
15 their businesses were “extremely profitable” or “very profitable” over that period.

16 35. Of the properties that did not currently offer in-room WiFi in June
17 2012, thirty-six percent indicated they planned to add that feature in the next six
18 months.

19 36. Like TripAdvisor, Hotels.com is an Internet service that provides
20 reservation services and information for travelers about prospective destinations.
21 Hotels.com conducts periodic surveys on traveler satisfaction and opinions.

22 37. In January 2012, Hotels.com conducted a survey regarding travelers’
23 preferences in hotel amenities. In response to “[q]uestion after question, guests
24 reported that free Wi-Fi [wa]s a must when choosing a hotel room and that this
25 amenity overwhelmingly factored into the decision on which hotel to book.”

26 38. But it is not just third parties who have noticed the ever-increasing
27 importance of providing wireless Internet access in hotel guest rooms. Hotel chains
28

1 and their executives— including Marriott itself—have also noticed the trend
2 themselves.

3 39. On February 14, 2012, the Travel section of USA Today reported the
4 results of a roundtable discussion between five hotel CEOs the newspaper had
5 conducted when they were gathered together for the Americas Lodging Investment
6 Summit in January. Each CEO was asked what his hotel was doing in response to
7 Internet access becoming a top amenity for travelers.

8 40. Former Marriott CEO J.W. “Bill” Marriott Jr. commented that, “It’s a
9 huge problem. Everyone wants to talk in the room and they want to download
10 everything they can. It’s getting to be quite a challenge.”

11 41. Richard Solomons, CEO of InterContinental Hotels Group, agreed that
12 “We all see it as an issue. It’s one of the big dissatisfiers that you see in a lot of
13 hotels.”

14 42. Former Carlson CEO Hubert Joly responded that, “Free Internet is the
15 greatest demand in terms of amenities of the travelers. It’s almost like having water
16 or air conditioning in the room.”

17 43. Choice Hotels CEO Steve Joyce added that “Whether you charge [for
18 wireless Internet access] or whether it’s free, you’d better have some dependability
19 and reliability because it will become the single source of complaints.”

20 44. When asked by the Wall Street Journal in a June 15, 2012 interview
21 what amenities she saw spreading in the industry, Four Seasons Chief Executive
22 Officer Kathleen Taylor responded that “Technology is one of the leading edge
23 issues for consumers in all segments. It’s less an amenity and more like hot water,
24 in the sense that everyone is expected to have it.”

25 45. On August 20, 2012, hotel chain Starwood Hotels and Resorts
26 Worldwide, Inc. issued a press release entitled, “Four Points by Sheraton Survey
27 Reveals Mobile Device Habits of Business Travelers Worldwide.” *See*,
28

1 <[http://www.businesswire.com/news/home/20120820005808/en/Points-Sheraton-](http://www.businesswire.com/news/home/20120820005808/en/Points-Sheraton-Survey-Reveals-Mobile-Device-Habits)
2 Survey- Reveals-Mobile-Device-Habits>.

3 46. In the August 2012 release, Starwood explained that its brand Four
4 Points by Sheraton had commissioned a hotel business and technology study in
5 which 6,000 business travelers, including 1,000 from the United States, were
6 surveyed.

7 47. According to the August 2012 press release, the Four Points by
8 Sheraton survey found that, irrespective of nationality, the majority of respondents
9 brought three or four mobile, wireless-capable devices with them on the road.

10 48. Those devices most often included a smartphone, followed by tablet
11 computers, music players, and laptops.

12 49. The Four Points by Sheraton survey found that checking their
13 smartphone was the most common activity respondents undertook first upon
14 waking up in their hotel. Checking Facebook and Twitter also ranked among the
15 top five post-wake up activities.

16 50. Business traveler respondents to the Four Points by Sheraton survey
17 explained their primary purposes for traveling with mobile devices were to keep up
18 with email, Internet browsing and social networking, and maintaining
19 communications with their office.

20 51. Over sixty percent of the business traveler respondents to the Four
21 Points by Sheraton survey said they believed traveling with technology makes their
22 lives significantly easier and more convenient.

23 52. In the August 2012 press release about the Four Points by Sheraton
24 survey, Starwood's senior vice president, specialty select brands, Brian
25 McGuinness, called the results of the study "compelling."

26 53. Mr. McGuinness concluded the Four Points by Sheraton survey
27 "affirms that the Four Points brand is meeting a continued need by offering
28

1 complimentary WiFi or in-room Internet access, and by continuing to expand
2 bandwidth throughout the portfolio.”

3 54. The availability and reliability of wireless Internet access is not only
4 important with respect to the ability to fill guest rooms. It also impacts the ability
5 to book meeting spaces as an additional source of revenue.

6 55. In 2010, the late Steve Jobs was famously forced to ask the audience at
7 Apple’s developer conference to shut off their laptops and phones after his
8 introduction of the iPhone 4 was derailed because of an overloaded Wi-Fi network.
9 Since then, venues that hold meetings and trade shows have been increasingly
10 cognizant of their wireless Internet capabilities.

11 56. Earlier this year, the New York Times published an article entitled,
12 “The Trade Show, Updated,” which reported *inter alia* that, “[h]otels that do
13 lucrative meetings and conference business are also increasingly seeing the need to
14 improve their technology.”

15 57. In particular, Brad Weaber, the executive vice president for event
16 services at SmithBucklin, a company that arranges conventions and meetings of all
17 kinds, commented that “Today, you can’t not have full connectivity for your
18 attendees or they won’t come.”

19 58. Moreover, in an effort to keep guests and meeting attendees—and their
20 associated spending on drinks, food, and other incidentals—within the bounds of
21 their properties, hotel chains have increasingly sought to make their lobbies and
22 common spaces more desirable as places to work and socialize. Part of this effort
23 has been ensuring the availability of wireless Internet access in such common areas.

24 59. For example, when asked by USA Today about the effort to
25 “reinvent[] lobbies to make them inviting, social places,” Bill Marriott Jr.
26 confirmed that, “The feedback is terrific, because it’s an opportunity to socialize,
27 have something quick to eat, sit in the lobby and work on your computer. At this
28 hotel here (LA Live), you look at the people in all their little pods and areas talking,

1 meeting, visiting and eating. It's a socialization of the lobby, which has never
2 happened before in our industry, because people used to go in the lobby, check in,
3 check out and then leave. Today, they're all over the lobby, and they're coming
4 back to the hotel and using the lobby for a drink afterward."

5 **Defendant Owns and/or Operates Marriott Properties**

6 60. Marriott is one of the world's largest hotel chains, with more than
7 3800 properties across 19 brands throughout the world.

8 61. Marriott operates and/or manages ("operates"), franchises, and licenses
9 hotels and timeshare properties.

10 62. Marriott operates around 1,055 properties under long-term
11 management agreements with property owners, 38 properties under long-term lease
12 agreements with property owners, and 6 properties as owned.

13 63. Of the properties operated by Marriott, approximately 734
14 (representing approximately 193,294 rooms) are located in the United States.

15 64. Each of the 734 properties operated by Marriott in the United States
16 belongs to one of the following Marriott brands:

- 17 a. Marriott Hotels & Resorts;
- 18 b. Marriott Conference Centers;
- 19 c. JW Marriott;
- 20 d. Renaissance Hotels;
- 21 e. Gaylord Hotels;
- 22 f. The Ritz-Carlton;
- 23 g. Courtyard;
- 24 h. Fairfield Inn & Suites;
- 25 i. SpringHill Suites;
- 26 j. Residence Inn; and
- 27 k. TownePlace Suites.

1 65. Marriott's operating responsibilities include hiring, training, and
2 supervising the managers and employees required to operate the facilities and for
3 purchasing supplies.

4 66. Marriott's operating responsibilities also include providing centralized
5 reservation services and national advertising, marketing, and promotional services,
6 as well as various accounting and data processing services.

7 67. Upon information and belief, Marriott also prepares and implements
8 annual budgets for its hotels and resorts and allocates funds for periodic
9 maintenance and repair of buildings and furnishings.

10 68. Upon information and belief, Marriott employs technical personnel to
11 design, implement, and maintain the facilities' wireless networks and/or oversee
12 vendors performing such services.

13 **The Multiple, Overlapping Wireless Networks Maintained at Marriott's**
14 **Properties Infringe the Patents-in-Suit.**

15 69. The properties operated by Marriott maintain multiple, overlapping
16 wireless networks.

17 70. Upon information and belief, Marriott creates and maintains brand
18 standards for the individual properties it operates.

19 71. Brand standards are used in the hotel industry to ensure that individual
20 properties in hotel chains implement and maintain certain aspects of the properties'
21 exterior appearance, facilities, guest rooms, etc., in a manner consistent with the
22 hotel brand. One such aspect that is commonly covered by brand standards is
23 provision, implementation, and maintenance of wireless Internet access.

24 72. Upon information and belief, Marriott propounds brand standards for
25 the individual properties it operates that includes mandated standards for the
26 provision, implementation and maintenance of wireless Internet access.

Marriott Provides Internet Access at the Properties it Operates.

73. Marriot maintains network infrastructures comprising multiple overlapping networks at its properties, including wired and wireless networks. The networks are configured to provide different methods of access and levels of service. Such network configurations are provided by Marriot for the benefit of guests, patrons, and employees.

74. Such networks may include lobby networks.

75. Such networks may include guest networks.

76. Such networks may include conference room networks.

77. Such networks may include private, secure networks.

MARRIOTT BRANDS

78. Of Marriott's 19 brands, 12 are present in the United States, accounting for approximately 3,130 properties and 504,650 rooms.

79. Of the 12 Marriott brands present in the United States, 11 contain properties that are operated/managed by Marriott or one of its domestic subsidiaries.

Marriott Hotels & Resorts

80. Marriott Hotels & Resorts is Marriott's global flagship brand, primarily serving business and leisure upper-upscale travelers and meeting groups.

81. Marriott Hotels & Resorts has approximately 315 properties in the United States.

82. Upon information and belief, Marriott operates a number of the Marriott Hotels & Resorts properties in the United States, through itself or one of its domestic subsidiaries.

83. Upon information and belief, all Marriott Hotels & Resorts properties in the United States offer high-speed Internet access.

Marriott Conference Centers

84. Marriott Conference Centers are either used exclusively by employees of sponsoring organizations or marketed to outside meeting groups and individuals.

85. There are 10 Marriott Conference Centers in the United States.

86. Upon information and belief, Marriott operates a number of the Marriott Conference Centers properties in the United States, through itself or one of its domestic subsidiaries.

87. Upon information and belief, all Marriott Conference Centers properties in the United States offer high-speed Internet access.

JW Marriott

88. JW Marriott is a global luxury brand made up of a collection of hotels and resorts that cater to accomplished, discerning travelers seeking an elegant environment with discreet personal service.

89. JW Marriott has approximately 22 properties in the United States.

90. Upon information and belief, Marriott operates a number of the JW Marriott properties in the United States, through itself or one of its domestic subsidiaries.

91. Upon information and belief, all JW Marriott properties in the United States offer high-speed Internet access.

Renaissance Hotels

92. Renaissance Hotels is a global, full-service brand that targets lifestyle-oriented business travelers who are “discoverers at heart” and who value business travel as a way to explore the world.

93. Renaissance Hotels has approximately 79 properties in the United States.

94. Upon information and belief, Marriott operates a number of the Renaissance Hotels properties in the United States, through itself or one of its domestic subsidiaries.

1 95. Upon information and belief, all Renaissance Hotels properties in the
2 United States offer high-speed Internet access.

3 **Gaylord Hotels**

4 96. Gaylord Hotels is a leader in the group and meetings business and
5 complements Marriott's existing network of large convention hotels.

6 97. Gaylord Hotels has approximately 5 properties in the United States.

7 98. Upon information and belief, Marriott operates a number of the
8 Gaylord Hotels properties in the United States, through itself or one of its domestic
9 subsidiaries.

10 99. Upon information and belief, all Gaylord Hotels properties in the
11 United States offer high-speed Internet access.

12 **Courtyard**

13 100. Courtyard is Marriott's hotel product designed for the upper-moderate
14 price tier.

15 101. Courtyard has approximately 817 properties in the United States.

16 102. Upon information and belief, Marriott operates a number of the
17 Courtyard properties in the United States, through itself or one of its domestic
18 subsidiaries.

19 103. Upon information and belief, all Courtyard properties in the United
20 States offer high-speed Internet access.

21 **Fairfield Inn & Suites (includes Fairfield Inn and Fairfield Inn & Suites)**

22 104. Fairfield Inn & Suites is an established leader in the moderate-price
23 tier segment and is targeted primarily at value-conscious business travelers.

24 105. Fairfield Inn & Suites has approximately 678 properties in the United
25 States.

26 106. Upon information and belief, Marriott operates a number of the
27 Fairfield Inn & Suites properties in the United States, through itself or one of its
28 domestic subsidiaries.

1 107. Upon information and belief, all Fairfield Inn & Suites properties in
2 the United States offer high-speed Internet access.

3 **Residence Inn**

4 108. Residence Inn is North America's leading upscale extended-stay hotel
5 brand designed for frequent and extended stay business and leisure travelers staying
6 five or more nights.

7 109. Residence Inn has approximately 602 properties in the United States.

8 110. Upon information and belief, Marriott operates a number of the
9 Residence Inn properties in the United States, through itself or one of its domestic
10 subsidiaries.

11 111. Upon information and belief, all Residence Inn properties in the
12 United States offer high-speed Internet access.

13 **SpringHill Suites**

14 112. SpringHill Suites is Marriott's all-suite brand in the upper-moderate-
15 price tier primarily targeting business and leisure travelers who are looking for
16 extra space and style with a great value.

17 113. SpringHill Suites has approximately 297 properties in the United
18 States.

19 114. Upon information and belief, Marriott operates a number of the
20 SpringHill Suites properties in the United States, through itself or one of its
21 domestic subsidiaries.

22 115. Upon information and belief, all SpringHill Suites properties in the
23 United States offer high-speed Internet access.

24 **TownePlace Suites**

25 116. TownePlace Suites is a moderately priced extended-stay hotel brand
26 designed to appeal to business and leisure travelers who stay for five nights or
27 more.
28

117. TownePlace Suites has approximately 208 properties in the United States.

118. Upon information and belief, Marriott operates a number of the TownePlace Suites properties in the United States, through itself or one of its domestic subsidiaries.

119. Upon information and belief, all TownePlace Suites properties in the United States offer high-speed Internet access.

The Ritz-Carlton

120. The Ritz-Carlton is one of the world's leading global luxury lifestyle brands, with hotels and resorts renowned for their extraordinary locations, inspired design, and legendary service.

121. The Ritz-Carlton has approximately 68 properties in the United States.

122. Upon information and belief, Marriott operates a number of the Ritz-Carlton properties in the United States, through itself or one of its domestic subsidiaries.

123. Upon information and belief, all The Ritz-Carlton properties in the United States offer "in-room high-speed Internet access."

CLAIM I: INFRINGEMENT OF THE '348 PATENT

124. Plaintiff realleges and incorporates by reference paragraphs 1- 123 of this Complaint as if fully set forth herein.

125. Plaintiff is the sole holder of all substantial rights to the '348 patent.

126. By owning, operating, and managing hotels and resorts in a way that includes maintaining multiple, overlapping wireless networks with differing levels of access as detailed above, Defendant directly infringes one or more claims of the '348 patent, including but not limited to Claim 4.

127. Defendant's infringement is ongoing.

128. Marriott, its domestic subsidiaries, and the individual properties operated by Marriott have not taken or been granted a license to the '348 patent.

129. Plaintiff Lone Star WiFi has been, and continues to be, damaged by Defendant's infringement.

CLAIM II: INFRINGEMENT OF THE '286 PATENT

130. Plaintiff realleges and incorporates by reference paragraphs 1-129 of this Complaint as if fully set forth herein.

131. Plaintiff is the sole holder of all substantial rights to the '286 patent.

132. By owning, operating, and managing hotels and resorts in a way that includes maintaining multiple, overlapping wireless networks with differing levels of access as detailed above, Defendant directly infringes one or more claims of the '286 patent, including but not limited to Claim 1.

133. Defendant's infringement is ongoing.

134. Marriott, its domestic subsidiaries, and the individual properties operated by Marriott have not taken or been granted a license to the '286 patent.

135. Plaintiff Lone Star WiFi has been, and continues to be, damaged by Defendant's infringement.

CLAIM III: INFRINGEMENT OF THE '935 PATENT

136. Plaintiff realleges and incorporates by reference paragraphs 1-135 of this Complaint as if fully set forth herein.

137. Plaintiff is the sole holder of all substantial rights to the '935 patent.

138. By owning, operating, and managing hotels and resorts in a way that includes maintaining multiple, overlapping wireless networks with differing levels of access as detailed above, Defendant directly infringes one or more claims of the '935 patent, including but not limited to Claim 1.

139. Defendant's infringement is ongoing.

140. Marriott, its domestic subsidiaries, and the individual properties operated by Marriott have not taken or been granted a license to the '935 patent.

141. Plaintiff Lone Star WiFi has been, and continues to be, damaged by Defendant's infringement.

JURY DEMAND

142. Plaintiff demands a trial by jury on all issues.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff Lone Star WiFi respectfully requests the following relief:

A. A judgment holding the Defendant liable for infringement of the Patents-in-Suit asserted against it;

B. An accounting for damages resulting from the Defendant's infringement of the Patents-in-Suit asserted against it, together with pre-judgment and post-judgment interest;

C. A judgment holding this Action to be an exceptional case, and an award to Plaintiff for its attorney's fees and costs pursuant to 35 U.S.C. § 285; and

D. Such other and further relief as this Court deems just and proper.

DATED: April 4, 2014

**NELSON BUMGARDNER CASTO,
P.C.**

By: /s/ Jaime K. Olin

Jaime K. Olin (SBN 243139)
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pending)
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